

REMARKS

Claims 1-20, 22-25 and 27-29 are pending. By this Amendment, Claims 1-3, 9, 14, 16, 18-20 and 22-24 are amended, Claims 21 and 26 are canceled and new Claims 27-29 are added.

In particular, subject matter from Claims 21 and 26 is respectively incorporated into independent Claims 18 and 24, and similar features are incorporated into independent Claims 1 and 9. With respect to Claim 16, see for example Claim 19. New Claims 27-29 are supported by the originally filed application. See, for example, the originally filed specification at page 10, lines 4-6, which corresponds to numbered paragraph 0057 of the published application.

Claim Objections

In the Office Action, the Examiner objects to Claims 14 and 21 for informalities. Claim 14 is amended to obviate this objection, and Claim 21 has been canceled. Accordingly, withdrawal of the objection is respectfully requested.

Claim Rejection – 35 U.S.C. §101

In the Office Action the Examiner rejects Claims 18-23 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants respectfully submit that Claims 18-23 as amended satisfy all requirements of 35 U.S.C. §101. Withdrawal of the rejection of Claims 18-23 under 35 U.S.C. §101 is respectfully requested.

Claim Rejection – 35 U.S.C. §102

Claims 1-4, 6, 9, 11-14, 17, 18, 20, 21, 23, 24, and 26 were rejected under 35 U.S.C. §102(e) as being anticipated by Esfahany (U.S. Patent Application Publication No. 2003/0214525).

With respect to the feature of Claim 21 which has been incorporated into independent Claim 18, and similar features incorporated into independent Claims 1, 9 and 24, the Examiner points out that Esfahany discloses at numbered paragraph 0037, “reestablishing a lost state”.

However, this disclosure does not teach or suggest “**determine if the NM operations on the cluster were applied correctly, and if not, roll back to a successful configuration**”, as recited in independent Claim 18, and similar features recited in independent Claims 1, 9 and 24. Accordingly, Esfahany fails to disclose or suggest Claims 1, 9, 18 and 24 and all claims depending from them.

In addition, Esfahany fails to disclose or suggest “**aggregating data relating to the devices within the cluster on a single device within the cluster**”, as recited in Claim 17, and similar features recited in Claim 23. The Examiner argues that Esfahany’s cluster supervisor 404, described for example at numbered paragraphs 0007 and 0037, discloses this feature. This is incorrect, because as shown in Figure 4 of Esfahany, the cluster supervisor 404 is *outside* the clusters 410, 420, not within them. Accordingly, Esfahany fails to disclose or suggest Claims 17 and 23.

Claim Rejection – 35 U.S.C. §103

Claims 5, 7, 8, 10, 15, 16, 19, 22, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Esfahany in view of Jackson *et al.* (U.S. Patent Application Publication No. 2002/0152305, hereinafter “Jackson”).

Jackson fails to overcome the deficiencies of Esfahany described above with respect to independent Claims 1, 9, 18 and 24 from which Claims 5, 7, 8, 10, 15, 16, 19, 22, and 25 variously depend. Accordingly, Claims 5, 7, 8, 10, 15, 16, 19, 22, and 25 are likewise allowable for at least the same reasons.

The Examiner acknowledges that Esfahany fails to disclose or suggest the authentication features recited in Claims 7, 8, 15 and 22. However, numbered paragraph 0160 of Jackson likewise fails to disclose these features, as well as the features recited in new Claims 27-29. Jackson fails, because Jackson describes simple *identification*, not authentication. For example, the Examiner argues that Jackson’s disclosure of a “message header” and “specific message classes” for different processing engines and functional entities discloses the features of Claim 8. However, Jackson’s numbered paragraph 0160 makes no mention of secrecy or of authentication codes, much less a

"message authentication code that acts as a shared secret within the cluster", as recited in Claim 8. Further, Jackson fails to disclose or suggest that a header includes *"a message authentication code that is calculated from contents of the message and from a shared secret value that is known to the devices within the cluster"*, as recited in Claim 28, and similar features recited in Claims 27 and 29. In sum, Jackson discloses simple identification, not authentication. Accordingly, the asserted combination of Esfahany and Jackson fails to disclose or suggest Claims 7, 8, 15, 22 and 27-29.

Withdrawal of the rejection of Claims 5, 7, 8, 10, 15, 16, 19, 22, and 25 under 35 U.S.C. §103(a) over Esfahany in view of Jackson is respectfully requested.

Conclusion

Applicants respectfully submit that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Dated: November 20, 2006

Respectfully submitted,

By 
M. David Ream

Registration No.: 35,333
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(206) 262-8900
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant